IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE FIRST DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 12892 of 2004

Between:

Pukkella Sowmya, d/o late Rambabu, being minor rep., by her natural guardian/mother
Smt.P.Mary Christiana, w/o late Rambabu, aged 45 years,
Occ:Retd.Employee, r/o Flat-G7, Sridhar Apartments-33,
Huda Complex, Kothapet, Hyderabad.

..... PETITIONER

AND

1 N.T.R.University of Health Sciences, A.P.Vijayawada-520 008,
rep., by the Registrar.
2 The Convener, EAMCET-2004,
Jawaharlal Nehru Technological University, Hyderabad.
3 The Government of Andhra Pradesh, rep., by its Secretary,
Department of Higher Education, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue writ or direction preferably writ of mandamus declaring the action of the 1st respondent in rejecting the application of the petitioner for admission into 1st year MBBS Course on the ground "under age" even though she has secured higher rank i.e., 4023 vide Hall Ticket No.3515754 (B.C.-A Category) as illegal, arbitrary, contrary to record and violative of principles of natural justice, and consequently direct the respondent no.1 to grant admission to the petitioner into MBBS 1st year course on the basis of her rank under BC-A Category

Counsel for the Petitioner: MR.KOWTURU VINAYA KUMAR

Counsel for Respondent No.1: Smt. Y. Padmavathi
Counsel for respondent No.2: C.KODANDA RAM
Counsel for respondent NO.3: GP for Higher Education

The Court at the stage of admission made the following ORDER :

Heard learned counsel on either side.

Petitioner, who belongs to BC-A category, appeared for EAMCET-2004 and secured 4023 rank and approached the venue for counseling for admission into 1st year MBBS course. Surprisingly, the number and rank of the petitioner was not mentioned in the list. On enquiry with the officials of the first respondent-University, the petitioner came to know that her application was rejected on the ground of 'under age'. It is stated that the Government granted permission to the petitioner to appear for 10th class Board examinations, even though she was under aged at that time i.e. 13 years. Hence, she filed the present writ petition seeking a *mandamus* declaring the action of the first respondent in rejecting her application for admission into 1st year MBBS course on the ground of 'under age' as illegal and arbitrary.

The first respondent-University filed a counter-affidavit stating that as per the amendment of Regulations on Graduate Medical Education, 1997, framed by Medical Council of India, every candidate shall complete the age of 17 years on or before 31st December of the academic year in which the candidate is seeking admission.

Learned counsel for the petitioner contends that since there was relaxation granted by the Government infavour of the petitioner enabling her to appear for 10th class Board Examinations at the age of 13 years, the petitioner is eligible for admission into the MBBS course even though she is 'under aged'.

The subject matter of the present writ petition is squarely covered by the Judgment of a Division Bench of this Court in W.P. No. 3708 of 1980 wherein the rule that a candidate who has not completed 17 years of age is not eligible for admission into M.B.B.S. course is upheld. In view of the same, the

submission made by the learned counsel for the petitioner that the exemption granted by the 10th class Board enabling the petitioner to appear for 10th class cannot be taken as an exemption for admission into M.B.B.S. course.

The writ petition is accordingly dismissed.

01.10.2004

ksld

To

1 The Registrar, N.T.R.University of Health Sciences, A.P.Vijayawada-520 008.

2 The Convener, EAMCET-2004,
Jawaharlal Nehru Technological University, Hyderabad.

3 The Secretary, Department of Higher Education, Govt. of A.P., Hyderabad.

4 Two CCs. to Govt. Pleader for Higher Education, High Court Buildings, High Court of A.P., Hyderabad(OUT)

5 Two CD copies.